

**Introduced by Senator Haynes**

January 16, 2002

---

An act to amend Section 12050 of the Penal Code, relating to firearms.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1283, as introduced, Haynes. Firearms: concealed firearms licenses.

Existing law authorizes sheriff of a county or the chief or other head of a municipal police department, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and certain other criteria are met, to issue a license to carry a concealed firearm.

This bill would provide that for purposes of those provisions, "good cause" would be conclusively shown if the person is a victim of either domestic violence or a hate crime, as specified. By requiring the issuance of these licenses, the bill would increase the duties of local law enforcement officials, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,



reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12050 of the Penal Code is amended to  
2 read:

3 12050. (a) (1) (A) The sheriff of a county, upon proof that  
4 the person applying is of good moral character, that good cause  
5 exists for the issuance, and that the person applying satisfies any  
6 one of the conditions specified in subparagraph (D) and has  
7 completed a course of training as described in subparagraph (E),  
8 may issue to that person a license to carry a pistol, revolver, or  
9 other firearm capable of being concealed upon the person in either  
10 one of the following formats:

11 (i) A license to carry concealed a pistol, revolver, or other  
12 firearm capable of being concealed upon the person.

13 (ii) Where the population of the county is less than 200,000  
14 persons according to the most recent federal decennial census, a  
15 license to carry loaded and exposed in that county a pistol,  
16 revolver, or other firearm capable of being concealed upon the  
17 person.

18 (B) The chief or other head of a municipal police department  
19 of any city or city and county, upon proof that the person applying  
20 is of good moral character, that good cause exists for the issuance,  
21 and that the person applying is a resident of that city and has  
22 completed a course of training as described in subparagraph (E),  
23 may issue to that person a license to carry a pistol, revolver, or  
24 other firearm capable of being concealed upon the person in either  
25 one of the following formats:

26 (i) A license to carry concealed a pistol, revolver, or other  
27 firearm capable of being concealed upon the person.

28 (ii) Where the population of the county in which the city is  
29 located is less than 200,000 persons according to the most recent  
30 federal decennial census, a license to carry loaded and exposed in  
31 that county a pistol, revolver, or other firearm capable of being  
32 concealed upon the person.



1 (C) The sheriff of a county or the chief or other head of a  
2 municipal police department of any city or city and county, upon  
3 proof that the person applying is of good moral character, that good  
4 cause exists for the issuance, and that the person applying is a  
5 person who has been deputized or appointed as a peace officer  
6 pursuant to subdivision (a) or (b) of Section 830.6 by that sheriff  
7 or that chief of police or other head of a municipal police  
8 department, may issue to that person a license to carry concealed  
9 a pistol, revolver, or other firearm capable of being concealed upon  
10 the person. Direct or indirect fees for the issuance of a license  
11 pursuant to this subparagraph may be waived. The fact that an  
12 applicant for a license to carry a pistol, revolver, or other firearm  
13 capable of being concealed upon the person has been deputized or  
14 appointed as a peace officer pursuant to subdivision (a) or (b) of  
15 Section 830.6 shall be considered only for the purpose of issuing  
16 a license pursuant to this subparagraph, and shall not be considered  
17 for the purpose of issuing a license pursuant to subparagraph (A)  
18 or (B).

19 (D) For the purpose of subparagraph (A), the applicant shall  
20 satisfy any one of the following:

21 (i) Is a resident of the county or a city within the county.  
22 (ii) Spends a substantial period of time in the applicant's  
23 principal place of employment or business in the county or a city  
24 within the county.

25 (E) (i) For new license applicants, the course of training may  
26 be any course acceptable to the licensing authority, shall not  
27 exceed 16 hours, and shall include instruction on at least firearm  
28 safety and the law regarding the permissible use of a firearm.  
29 Notwithstanding this clause, the licensing authority may require  
30 a community college course certified by the Commission on Peace  
31 Officer Standards and Training, up to a maximum of 24 hours, but  
32 only if required uniformly of all license applicants without  
33 exception.

34 (ii) For license renewal applicants, the course of training may  
35 be any course acceptable to the licensing authority, shall be no less  
36 than four hours, and shall include instruction on at least firearm  
37 safety and the law regarding the permissible use of a firearm. No  
38 course of training shall be required for any person certified by the  
39 licensing authority as a trainer for purposes of this subparagraph,

1 in order for that person to renew a license issued pursuant to this  
2 section.

3 *(F) For purposes of this subdivision, “good cause” shall be*  
4 *conclusively established if either of the following applies:*

5 *(i) The person has a report on file with a law enforcement*  
6 *agency evidencing that he or she is a victim of domestic violence*  
7 *and has obtained a restraining order against a specific individual*  
8 *from a court.*

9 *(ii) The person has a report on file with a law enforcement*  
10 *agency evidencing that he or she is a victim of a hate crime.*

11 (2) (A) (i) Except as otherwise provided in clause (ii),  
12 subparagraphs (C) and (D) of this paragraph, and subparagraph  
13 (B) of paragraph (4) of subdivision (f), a license issued pursuant  
14 to subparagraph (A) or (B) of paragraph (1) is valid for any period  
15 of time not to exceed two years from the date of the license.

16 (ii) If the licensee’s place of employment or business was the  
17 basis for issuance of the license pursuant to subparagraph (A) of  
18 paragraph (1), the license is valid for any period of time not to  
19 exceed 90 days from the date of the license. The license shall be  
20 valid only in the county in which the license was originally issued.  
21 The licensee shall give a copy of this license to the licensing  
22 authority of the city, county, or city and county in which he or she  
23 resides. The licensing authority that originally issued the license  
24 shall inform the licensee verbally and in writing in at least 16-point  
25 type of this obligation to give a copy of the license to the licensing  
26 authority of the city, county, or city and county of residence. Any  
27 application to renew or extend the validity of, or reissue, the  
28 license may be granted only upon the concurrence of the licensing  
29 authority that originally issued the license and the licensing  
30 authority of the city, county, or city and county in which the  
31 licensee resides.

32 (B) A license issued pursuant to subparagraph (C) of paragraph  
33 (1) to a peace officer appointed pursuant to Section 830.6 is valid  
34 for any period of time not to exceed four years from the date of the  
35 license, except that the license shall be invalid upon the conclusion  
36 of the person’s appointment pursuant to Section 830.6 if the  
37 four-year period has not otherwise expired or any other condition  
38 imposed pursuant to this section does not limit the validity of the  
39 license to a shorter time period.

1 (C) A license issued pursuant to subparagraph (A) or (B) of  
2 paragraph (1) is valid for any period of time not to exceed three  
3 years from the date of the license if the license is issued to any of  
4 the following individuals:

5 (i) A judge of a California court of record.

6 (ii) A full-time court commissioner of a California court of  
7 record.

8 (iii) A judge of a federal court.

9 (iv) A magistrate of a federal court.

10 (D) A license issued pursuant to subparagraph (A) or (B) of  
11 paragraph (1) is valid for any period of time not to exceed four  
12 years from the date of the license if the license is issued to a  
13 custodial officer who is an employee of the sheriff as provided in  
14 Section 831.5, except that the license shall be invalid upon the  
15 conclusion of the person's employment pursuant to Section 831.5  
16 if the four-year period has not otherwise expired or any other  
17 condition imposed pursuant to this section does not limit the  
18 validity of the license to a shorter time period.

19 (3) For purposes of this subdivision, a city or county may be  
20 considered an applicant's "principal place of employment or  
21 business" only if the applicant is physically present in the  
22 jurisdiction during a substantial part of his or her working hours  
23 for purposes of that employment or business.

24 (b) A license may include any reasonable restrictions or  
25 conditions which the issuing authority deems warranted, including  
26 restrictions as to the time, place, manner, and circumstances under  
27 which the person may carry a pistol, revolver, or other firearm  
28 capable of being concealed upon the person.

29 (c) Any restrictions imposed pursuant to subdivision (b) shall  
30 be indicated on any license issued.

31 (d) A license shall not be issued if the Department of Justice  
32 determines that the person is within a prohibited class described in  
33 Section 12021 or 12021.1 of this code or Section 8100 or 8103 of  
34 the Welfare and Institutions Code.

35 (e) (1) The license shall be revoked by the local licensing  
36 authority if at any time either the local licensing authority is  
37 notified by the Department of Justice that a licensee is within a  
38 prohibited class described in Section 12021 or 12021.1 of this code  
39 or Section 8100 or 8103 of the Welfare and Institutions Code, or  
40 the local licensing authority determines that the person is within

1 a prohibited class described in Section 12021 or 12021.1 of this  
2 code or Section 8100 or 8103 of the Welfare and Institutions Code.

3 (2) If at any time the Department of Justice determines that a  
4 licensee is within a prohibited class described in Section 12021 or  
5 12021.1 of this code or Section 8100 or 8103 of the Welfare and  
6 Institutions Code, the department shall immediately notify the  
7 local licensing authority of the determination.

8 (3) If the local licensing authority revokes the license, the  
9 Department of Justice shall be notified of the revocation pursuant  
10 to Section 12053. The licensee shall also be immediately notified  
11 of the revocation in writing.

12 (f) (1) A person issued a license pursuant to this section may  
13 apply to the licensing authority for an amendment to the license to  
14 do one or more of the following:

15 (A) Add or delete authority to carry a particular pistol,  
16 revolver, or other firearm capable of being concealed upon the  
17 person.

18 (B) Authorize the licensee to carry concealed a pistol, revolver,  
19 or other firearm capable of being concealed upon the person.

20 (C) If the population of the county is less than 200,000 persons  
21 according to the most recent federal decennial census, authorize  
22 the licensee to carry loaded and exposed in that county a pistol,  
23 revolver, or other firearm capable of being concealed upon the  
24 person.

25 (D) Change any restrictions or conditions on the license,  
26 including restrictions as to the time, place, manner, and  
27 circumstances under which the person may carry a pistol, revolver,  
28 or other firearm capable of being concealed upon the person.

29 (2) When the licensee changes his or her address, the license  
30 shall be amended to reflect the new address and a new license shall  
31 be issued pursuant to paragraph (3).

32 (3) If the licensing authority amends the license, a new license  
33 shall be issued to the licensee reflecting the amendments.

34 (4) (A) The licensee shall notify the licensing authority in  
35 writing within 10 days of any change in the licensee's place of  
36 residence.

37 (B) If the license is one to carry concealed a pistol, revolver, or  
38 other firearm capable of being concealed upon the person, then it  
39 may not be revoked solely because the licensee changes his or her  
40 place of residence to another county if the licensee has not



1 breached any conditions or restrictions set forth in the license or  
2 has not fallen into a prohibited class described in Section 12021 or  
3 12021.1 of this code or Section 8100 or 8103 of the Welfare and  
4 Institutions Code. However, any license issued pursuant to  
5 subparagraph (A) or (B) of paragraph (1) of subdivision (a) shall  
6 expire 90 days after the licensee moves from the county of issuance  
7 if the licensee's place of residence was the basis for issuance of the  
8 license.

9 (C) If the license is one to carry loaded and exposed a pistol,  
10 revolver, or other firearm capable of being concealed upon the  
11 person, the license shall be revoked immediately if the licensee  
12 changes his or her place of residence to another county.

13 (5) An amendment to the license does not extend the original  
14 expiration date of the license and the license shall be subject to  
15 renewal at the same time as if the license had not been amended.

16 (6) An application to amend a license does not constitute an  
17 application for renewal of the license.

18 (g) Nothing in this article shall preclude the chief or other head  
19 of a municipal police department of any city from entering an  
20 agreement with the sheriff of the county in which the city is located  
21 for the sheriff to process all applications for licenses, renewals of  
22 licenses, and amendments to licenses, pursuant to this article.

23 SEC. 2. Notwithstanding Section 17610 of the Government  
24 Code, if the Commission on State Mandates determines that this  
25 act contains costs mandated by the state, reimbursement to local  
26 agencies and school districts for those costs shall be made pursuant  
27 to Part 7 (commencing with Section 17500) of Division 4 of Title  
28 2 of the Government Code. If the statewide cost of the claim for  
29 reimbursement does not exceed one million dollars (\$1,000,000),  
30 reimbursement shall be made from the State Mandates Claims  
31 Fund.

